

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
METROPOLITAN LIFE INSURANCE  
COMPANY,

Plaintiff,

-against-

KATHRYN CLAIRE CAMPBELL,  
CATHERINE LEE WERNER and  
SHARON CAMPBELL,

Defendants.  
-----X

**NOTICE OF MOTION TO  
DISMISS COMPLAINT OR  
STAY ACTION**

07 CV 7310 (GBD)

**ECF CASE**

PLEASE TAKE NOTICE that, upon (a) the Declaration of Sean T. O'Leary dated November 14, 2007, (b) the previously-filed Declaration of Sean T. O'Leary dated September 7, 2007 (Document No. 5 on this Court's docket for this action), (c) the previously-filed Affidavit of Barry Breslow sworn to on September 7, 2007 (Document No. 6 on this Court's docket for this action), and (d) the previously-filed Memorandum of Law of Defendants Kathryn Claire Campbell and Sharon Campbell (the "Defendants") dated September 7, 2007 (Document No. 7 on this Court's docket for this action), Defendants will move this Court, Honorable George B. Daniels presiding, at the United States Courthouse, 500 Pearl Street, New York, New York, at a date and time to be determined by this Court, for an Order dismissing the Cross-Claim of Defendant Catherine Lee Werner, or staying said Cross-Claim pending resolution of a previously-filed, concurrent action pending in Nevada, and such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 6.1, opposing papers, if any, must be filed and served on the undersigned attorneys within ten business days after service of the moving papers, and reply papers must be served on attorneys for Plaintiff within five business days of service of the opposition papers.

Dated: New York, New York  
November 16, 2007

Respectfully Submitted,

WORMSER, KIELY, GALEF & JACOBS LLP

By: /S/  
John T. Morin (JM-0390)  
Sean T. O'Leary (SO-4542)

825 Third Avenue  
New York, New York 10022  
(212) 687-4900

**Attorneys for Defendants**  
**Kathryn Claire Campbell and Sharon Campbell**

TO: Dyer, Lawrence, Penrose, Flaherty & Donaldson  
Attorneys for Catherine Lee Werner  
2805 Mountain Street  
Carson City, Nevada 89703

**D'Arcambal, Levine & Ousley, LLP**  
**Attorneys for Metropolitan Life Insurance Company**  
**40 Fulton Street, Suite 1005**  
**New York, New York 10038**

**Cotkin & Collins**  
Attorneys for Metropolitan Life Insurance Company  
701 Bridger Avenue, Suite 700  
Las Vegas, Nevada 89101

Killian & Salisbury, P.C.  
Attorneys for Catherine Lee Werner  
77 Brant Avenue  
Clark, New Jersey 07066